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GOVERNMENT OF SIKKIM
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No. 13/DIT/2023

Dated: 11/01/2023

NOTIFICATION

The State Government is hereby pleased to make the following amendments in "Right of Way Policy (ROW)" published vide Notification No. 10/DIT/2021 Dated 02/07/2021:

1. (a) In the said policy, under clause (6.4), sub-clause (I) will be replaced by "One time permission charge shall be applicable for the establishment of Micro Communication Equipment by the Applicant in the State of Sikkim would be **Rs. 1,000**".
- (b) In the said policy, under clause (6.4), sub-clause (II) will be replaced by "**Rs. 500** per Pole is payable annually to the owner agency/Department e.g. State Power Dept., State Roads & Bridges Dept. etc. – in case Poles/micro communication devices installed at a Government owned property and are not employed to carry aerial cables/OFC".
2. In the said policy, the following clause shall be inserted after Clause (8) namely: -

9A. Usage of street furniture for installation of small cells and telegraph line.

- i. An applicant shall for the purpose of installation of small cell and telegraph line apply, along with details of street furniture (this includes post/pole used for electricity, street light, traffic light, traffic sign, bus stop, taxi stand, public lavatory, memorial, public sculpture, utility pole or any other structure or contrivance of such nature established over the property of an appropriate authority) and a copy of certification by a structural engineer authorized by appropriate authority, attesting to the structural safety of the street furniture where installation of small cells and telegraph line is proposed to be deployed, to the appropriate authority for permission to use street furniture for installation of small cells and telegraph line.

- ii. The application under sub-rule (i), shall be accompanied with such fee as may be determined by the appropriate authority to meet administrative expenses for examination of the application, which shall not exceed the amount **Rs. 1000 per street furniture**.
- iii. The appropriate authority shall, within a period not exceeding sixty days from the date of application made grant permission or reject the application for reasons to be recorded in writing.
 - Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection.
 - Provided further that the permission shall be deemed to have been granted if the appropriate authority fails to either grant permission or reject the application.
- iv. The appropriate authority shall be entitled to receive such compensation from the applicant, not exceeding the amount **Rs. 300 per annum for urban area and Rs. 150 per annum for rural areas per street furniture**, for use of street furniture for installation of small cells and telegraph line, as may be determined by the appropriate authority.
- v. The appropriate authority may permit installation of small cells on their buildings and structures.
- vi. For the purposes of sub-rule (v), the "appropriate authority" means the State Government or the authority, body, company or institution, incorporated or established by the State Government, in respect of property, under, over, along, across, in or upon which underground or overground telegraph infrastructure, is to be established or maintained, vested in, or under, the control or management of such Government, authority, body, company or institution.

9B. Establishment of telegraph infrastructure over private property.

Where the applicant proposes the establishment of overground telegraph infrastructure over any private property, the applicant shall not require any permission from the appropriate authority:

- Provided that in case of establishment of mobile tower or pole over a private building or structure, the applicant shall submit an intimation, in writing, to the appropriate authority, prior to commencement of such Establishment.
- Provided further that along with the intimation, he shall also submit the details of the building or structure, where the establishment of mobile tower or pole is proposed, and a copy of certification by a structural engineer, authorized by the appropriate authority, attesting to the structural safety of the building or structure, where the mobile tower or pole is proposed to be established.

By Order and in the name of the Governor.

Yogendra Sharma
Secretary